

**THIRTY-FOURTH DAY**

(Thursday, March 19, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers of Travis
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Kazen	Shireman
Kelley	Strauss
Lane	Wagonseller
Latimer	Willis

**Absent**

• McDonald                      Rogers  
    of Childress

**Absent—Excused**

Moore                      Weinert  
Russell

A quorum was announced present.

Dr. Will Matthis Dunn, Pastor of the Central Methodist Church of Austin, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lock.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Corbin.

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Wagonseller.

**Reports of Standing Committees**

Senator Lane submitted the following reports:

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 286, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 226, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 189, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 162, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman

Senator Martin submitted the following reports:

Austin, Texas,  
March 18, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass.

MARTIN, Vice-Chairman

Austin, Texas,  
March 18, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate Committee Substitute, attached hereto, do pass in lieu thereof, and be printed.

MARTIN, Vice-Chairman

C. S. S. B. No. 233 was read first time.

Austin, Texas,  
March 18, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Vice-Chairman

Austin, Texas,  
March 18, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 252, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Vice-Chairman

Senator Strauss submitted the following report:

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 241, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Senator Secrest submitted the following report:

Austin, Texas,  
March 19, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 231, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman.

Senator Rogers of Childress submitted the following report:

Austin, Texas,  
March 18, 1952.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred S. B. No. 167, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

ROGERS of Childress,  
Chairman.

#### Minority Report on Senate Bill 54

Senator Hazlewood submitted the following report:

Austin, Texas,  
March 18, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, the following members of the State Affairs Committee, do hereby give notice under Senate Rule 110 of a favorable minority report for Senate Bill No. 54 as amended and within the required ten days a motion will be made to print said bill on a minority report. We were present at the

Committee hearing and voted on the minority side.

Respectfully,  
HAZLEWOOD  
MOFFETT  
BELL  
SECREST

#### House Bills on First Reading

The following bills, received from the House, were read the first time and referred to the committees indicated:

H. B. No. 39, to the Committee on State Highways and Motor Traffic.

H. B. No. 384, to the Committee on State Highways and Motor Traffic.

H. B. No. 580, to the Committee on Educational Affairs.

#### House Bills and Resolutions Referred

The President referred the following House bills and resolutions, received from the House and read first time on March 12, 1953, to the committees indicated:

H. B. No. 241, to the Committee on State Affairs.

H. B. No. 120, to the Committee on Stock and Stock Raising.

H. J. R. No. 10, to the Committee on Constitutional Amendments.

#### Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
March 19, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Criminal District Attorney for Smith County effective immediately: Harry Loftis of Tyler, Smith County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Senate Resolution 156

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. George F. Myers and Mr. C. A. Myers, Jacksboro, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

#### Senate Bill 292 on First Reading

Senator Lock moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	McDonald
Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Absent—Excused

Moore	Weinert
Russell	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 292, A bill to be entitled "An Act making appropriations to pay deficiency appropriations and witness fee certificates issued pursuant to law and for which no appropriations have heretofore been made; and declaring an emergency."

To the Committee on Finance.

#### Senate Bill 293 on First Reading

Senator Lock moved that Senate

Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Martin
Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis

## Absent

McDonald

## Absent—Excused

Moore	Weinert
Russell	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 293, A bill to be entitled "An Act relating to the salaries of all State Officers except the salaries and other compensation of District Judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid Clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Finance.

## Senate Bill 294 on First Reading

Senator Rogers of Childress moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Moffett
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Rutherford
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

## Absent

Hazlewood	McDonald
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## Absent—Excused

Moore	Weinert
Russell	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers of Childress:

S. B. No. 294, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to accept, approve and file corrected field notes to any survey of land in the State of Texas, where said corrected field notes are made by a duly authorized official land surveyor and based upon possession and acquiescence for twenty-five (25) years; authorizing the present owners of said surveys to purchase excess acreage revealed by said corrected field notes at a price to be set by the School Land Board; providing that said resurveys shall not shift the lines of any survey where the lines of said surveys have been fixed by a court decree or by contract in writing between the parties; providing that deeds of acquittance may be issued on said resurveys made in accordance with this Act; providing that all deeds of acquittance so issued shall inure to the benefit of all holders of a portion of a survey, and that said deeds of acquittance shall not disturb the divisional or partitioning lines of surveys where said surveys are divided into smaller tracts and declaring an emergency."

To the Committee on Civil Jurisprudence.

## Senate Bills and Resolutions Referred

The President referred the follow-

ing Senate bills and resolutions which were introduced and read the first time on Thursday, March 12, 1953, and Wednesday, March 18, 1953, to the committees indicated:

S. B. No. 267, to Committee on Counties and County Boundaries.

S. B. No. 268, to Committee on Insurance.

S. B. No. 269, to Committee on Game and Fish.

S. B. No. 270, to Committee on Judicial Districts.

S. B. No. 271, to Committee on Game and Fish.

S. B. No. 272, to Committee on Criminal Jurisprudence.

S. B. No. 273, to Committee on Civil Jurisprudence.

S. B. No. 274, to Committee on Criminal Jurisprudence.

S. B. No. 275, to Committee on Insurance.

S. B. No. 276, to Committee on State Highways and Motor Traffic.

S. B. No. 277, to Committee on Water Rights, Irrigation and Drainage.

S. B. No. 278, to Committee on Finance.

S. B. No. 279, to Committee on State Affairs.

S. B. No. 280, to Committee on Civil Jurisprudence.

S. B. No. 281, to Committee on Civil Jurisprudence.

S. B. No. 282, to Committee on Finance.

S. B. No. 283, to Committee on Labor.

S. J. R. No. 13; to Committee on Constitutional Amendments.

S. C. R. No. 30, to Committee on Civil Jurisprudence.

S. B. No. 289, to Committee on Finance.

S. B. No. 290, to Committee on Game and Fish.

S. B. No. 291, to Committee on State Highways and Motor Traffic.

### House Bill 166 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 166, A bill to be entitled "An Act amending Sections 1, 2, and 4, Acts of the 41st Legislature, Chapter 125, page 279, being also known as Sections 1, 2, and 4 of Article 2039a of Vernon's Revised Civil Statutes of Texas, 1925, to authorize service of citation on the Chairman of the State Highway Commission in this State in suits against nonresident operators of motor vehicles, etc.; and declaring an emergency."

The bill was read the second time.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. 166, Section 4, by striking therefrom the words and figures One Dollar (\$1) and substituting therefor the words and figures "Three Dollars (\$3)."

The amendment was adopted.

The bill, as amended, was passed to third reading.

### House Bill 166 on Third Reading

Senator Bracewell moved that the Constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	McDonald
Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis

Absent

Corbin

**Absent—Excused**

Moore                      Weinert  
Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Resolution 157**

Senator McDonald offered the following resolution:

Whereas, By Senate Bill 109, the 53rd Legislature created the position of Criminal District Attorney of Smith County, Texas; and

Whereas, The Governor of the State of Texas has this date appointed Honorable Harry Loftis of Tyler, Texas, to fill this high and important position; and

Whereas, He is to be today confirmed by the Senate of the State of Texas; and

Whereas, The Honorable Harry Loftis is a native-born citizen of Smith County and the first man of said County to fill the position of the Criminal District Attorney for Smith County, Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we officially extend our highest congratulations and best wishes to this fine outstanding young man of Smith County upon his appointment to this esteemed position; that we wish for him a successful tenure in office and extend to him the courtesy of the floor for this day.

The resolution was read and was adopted.

Senator McDonald presented Mr. and Mrs. Loftis to the Members of the Senate.

**Conference Committee Report on House Bill 34**

Senator Fuller moved to adopt the Conference Committee Report on H. B. No. 34 which was submitted on yesterday.

The report was adopted by the following vote:

**Yeas—28**

Aikin                      Colson  
Ashley                    Corbin  
Bell                        Fuller  
Bracewell                Hardeman

Hazlewood  
Kazen  
Kelley  
Lane  
Latimer  
Lock  
Martin  
McDonald  
Moffett  
Parkhouse  
Phillips

Rogers  
of Childress  
Rogers of Travis  
Rutherford  
Sadler  
Secrest  
Shireman  
Strauss  
Wagonseller  
Willis

**Absent—Excused**

Moore                      Weinert  
Russell

**Presentation of Guests**

Senator Corbin by unanimous consent presented 22 members of the Daughters of the American Revolution and Daughters of the Republic of Texas from College Station and Bryan to the Members of the Senate.

**Senate Resolution 158**

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate C. E. McClelland, Executive Editor of the Galveston News, and Anthony Stjepcevic, Galveston banker; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

**House Concurrent Resolution 42 on Second Reading**

Senator Strauss asked unanimous consent to suspend the regular order of business to take up and consider at this time the following resolution:

H. C. R. No. 42, Relative to article in "Esquire" magazine on the subject of Texas.

The resolution was read the second time and was adopted.

**Minority Report on Senate Bill 54 Substituted for Majority Report**

Senator Shireman moved to substitute the Minority Report submitted

today for the Majority Report on S. B. No. 54.

The motion prevailed by the following vote:

**Yeas—16**

Aikin	Rogers
Bell	of Childress
Corbin	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Latimer	Shireman
Moffett	Wagonseller
	Willis

**Nays—11**

Ashley	Martin
Bracewell	McDonald
Colson	Parkhouse
Hardeman	Phillips
Lane	Strauss
Lock	

**Absent—Excused**

Moore	Russell
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**Paired**

Senator Fuller (present), who would vote yea with Senator Weinert (absent), who would vote nay.

**Senate Resolution 159**

Senator Ashley offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Honorable Joe B. Matthews of Albany, Texas, member of the Board of Directors of the Brazos River Authority; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

ASHLEY  
SADLER

The resolution was read and was adopted.

Senator Ashley presented Mr. Matthews to the Members of the Senate.

**Presentation of Guest**

Senator Lock, by unanimous consent, presented as a guest of the Sen-

ate today, Dr. Watt Barclay of Woodville, Texas, the father-in-law of Mr. Dan Collie, Senate Reading Clerk.

**Senate Resolution 160**

Senator Secrest offered the following resolution:

Whereas, Pioneer Airlines and its operations in the great Southwest have become an important and integral part of the expanding economy of this State; and

Whereas, Pioneer Airlines is the only air connection that many cities have with the airline networks of the world; and

Whereas, The economy of those cities and of Texas is vitally dependent upon the continuing and expanding operation of this airline; and

Whereas, The Civil Aeronautics Board has recently issued an order which has had a crippling effect upon the operations and services of Pioneer Airlines to the extent that the Company is faced with a real possibility of extinction; and

Whereas, Said ruling by the Civil Aeronautics Board was punitive in its character and extremely damaging to the economy of Texas as well as to Pioneer Airlines; now, therefore, be it

Resolved, By the Senate of Texas, that the Senate express its confidence in Pioneer Airlines and its disapproval of the capricious and arbitrary action of the Civil Aeronautics Board and that copies of this resolution be forwarded to the Congressmen and Senators from Texas as the Senate's suggestion that everything possible be done looking toward the lifting of this order.

SECREST  
PARKHOUSE  
CORBIN  
SADLER  
HAZLEWOOD  
ROGERS of Travis  
RUTHERFORD  
WILLIS  
HARDEMAN

The resolution was read and was adopted.

**Bills and Resolution Signed**

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

H. B. No. 96, A bill to be entitled "An Act repealing Acts 1929, Forty-

first Legislature, 2nd C. S., p. 157, Ch. 80, (Article 117a of Vernon's Civil Statutes and Article 1112a of Vernon's Penal Code) and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending Section 12 of Article 118a of Vernon's Texas Statutes; providing a saving clause and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act to amend Section 3, of Article 1287a of the Civil Statutes of the State of Texas, Revision of 1925, so as to increase the amount of the bond required by the livestock auction commission merchant; providing a method of fixing such amount; and declaring an emergency."

H. C. R. No. 29, Granting permission to Harry Lee Carter to sue the State of Texas and the Veteran's Land Board.

#### Executive Session

On motion of Senator Bracewell, and by unanimous consent, the Senate agreed to hold an executive session at 12:05 o'clock p. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Criminal District Attorney for Smith County, Texas: Harry Loftis, of Tyler, Smith County.

To be member of the Public Safety Commission, for term to expire December 31, 1957: W. E. Dyche, Jr., of Houston, Harris County.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 12:10 o'clock p. m. today.

#### Adjournment

On motion of Senator Kelley the Senate at 12:14 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, March 23, 1953.

#### Record of Vote

Senators Phillips and Willis asked to be recorded as voting "Nay" on the motion to adjourn.

#### THIRTY-FIFTH DAY

(Monday, March 23, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, no man lives to himself and no man dies to himself. We pray that thou wilt make us fit to live with, and that as parents, private citizens, and public servants, it is possible to disagree and not be disagreeable about it. May mutual understanding and brotherly love possess all our hearts. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 19, 1953, was dispensed with and the Journal was approved.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
March 23, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following: